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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,503	11/22/2006	Jiromaru Tsujino	HIG05 1004	3547
36290 7590 03/14/2008 DUANE MORRIS LLP 505 9th Street Suite 1000 WASHINGTON, DC 20004-2166			EXAMINER DOUGHERTY, THOMAS M	
			ART UNIT 2834	PAPER NUMBER
			MAIL DATE 03/14/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/573,503

Applicant(s)

TSUJINO, JIROMARU

Examiner

Thomas M. Dougherty

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☐ Claim(s) _____ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☒ Claim(s) 1-3 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 24 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/CIS)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date 606

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The language of claim 3 is confusing. Specifically "the disk-shaped oscillating bodies are connected in series with an oscillating rod with while synchronizing oscillation phases" is the confusing language.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims are rejected under 35 U.S.C. 102(b) as being anticipated by Mori et al. (US 3,696,259). Mori et al. show (figs. 1, 7, 8, 14 and 15) a high-capacity composite oscillating device comprising n-sets, that is, two or more sets, of bolt-tightened (5) Langevin-type ultrasonic transducers (1) having the identical characteristics disposed at regular intervals (figs. 7, 15) on an outer periphery portion of a disk-shaped oscillating body (30, 31) so as to oppose to each other, the disk-shaped oscillating body (30, 31).

How the BLT's are driven is a manner of using the invention. Note that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

A loop segment of oscillation of an oscillating rod that oscillates in a composite flexure oscillating mode is connected to the center portion of the disk-shaped oscillating body.

Note that the opposing Langevin-type ultrasonic transducers are driven out of phase with each other or no vibratory energy would reach the rod, each BLT would cancel out the vibration of its opposite.

Mori et al. show (figs. 1, 7, 8, 14 and 15) high-capacity ultrasonic composite oscillating device wherein the disk-shaped oscillating bodies (30, 31) are connected in series with an oscillating rod (33) with while (as that is best understood) synchronizing oscillation phases so that ultrasonic transducers in the respective pairs on the respective disk-shaped oscillating bodies are driven in parallel or independently.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The remaining prior art reads on aspects of the invention. Culp ('187) shows each element of the claimed invention except for his transducers being BLTs.

Direct inquiry to Examiner Dougherty at (571) 272-2022.

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/T. M. D./

/Thomas M. Dougherty/

tmd

Primary Examiner, Art Unit 2834

November 26, 2007